

1 **THE HARRIAN LAW FIRM, P.L.C**

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5 Michael E. Cordrey
6 Arizona State Bar No. 022148
7 Attorney for Movant

8 **IN THE UNITED STATES BANKRUPTCY COURT**
9 **DISTRICT OF ARIZONA, PHOENIX DIVISION**

10 In Re:
11 **DAVID PROVINE,**
12 Debtor

13 **MONICA PROVINE,**
14 Movant,
15 v.
16 **DAVID PROVINE**, Debtor, and
17 **EDWARD J. MANEY**, Trustee.
18 Respondents.

19 **No. 2:09-bk-27174-RJH**

20 **Chapter 13 Proceedings**

21 **MOTION TO LIFT AUTOMATIC STAY**

22 **COMES NOW**, Movant, Monica Provine, (hereinafter “Movant”) and moves this Court for
23 an Order lifting the automatic stay presently in effect upon the Debtor’s Chapter 13 filing. In support
24 of her Motion to Lift Stay, Movant states as follows:

25 1. Prior to Debtor’s filing of his Chapter 13 Bankruptcy Case, Movant (Debtor’s Wife)
26 filed a dissolution of marriage proceeding in Maricopa County Superior Court as case number
27 FC2009-003501.

28 2. Movant desires to have the dissolution proceeding continue to final decree in the
29 Maricopa County Superior Court.

1 3. The automatic stay currently in effect precludes the dissolution proceeding from
2 moving forward to final decree.

3 4. Movant desires that the Court issue an Order removing the automatic stay to allow the
4 Maricopa County Superior Court action to proceed to final decree, and to enter orders regarding
5 Family Support Obligations.

6 5. Debtor proposed a Chapter 13 Plan with the Bankruptcy Court in his voluntary
7 petition.

8 6. The Maricopa County dissolution case can move to final decree without adverse effect
9 on creditors.

10 **WHEREFORE**, Movant requests that the Court enter an Order lifting the automatic stay in
11 effect under Chapter 13 of the Bankruptcy Code, allowing the Maricopa County Superior Court
12 dissolution action in case number FC2009-003501 to proceed to final decree, and to enter orders
13 regarding Family Support Obligations.

14 **RESPECTFULLY SUBMITTED** this 10TH day of DECEMBER, 2009.

15 **THE HARRIAN LAW FIRM, P.L.C.**



16
17 Michael E. Cordrey
18 Attorney for Movant

19 Original of the foregoing FILED ELECTRONICALLY
20 this 10TH day of DECEMBER, 2009

21 with a copy of the foregoing MAILED
22 this 10TH day of DECEMBER, 2009 to:

23 Joseph W. Charles, Esq.
Post Office Box 1737
Glendale, Arizona, 85311-1737
Attorney for Debtor

24 -and-

The Harrian Law Firm, P.L.C.

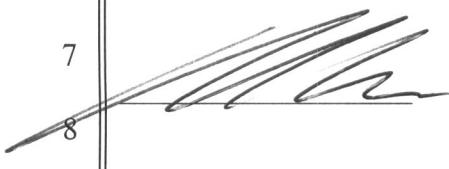
5616 West Glendale Avenue
Glendale, Arizona 85301

1 Mr. David Provine
2 963 South 240th Drive
Buckeye, Arizona, 85326
Debtor / Respondent in Maricopa County FC2009-003501

3 -and-

4 Edward J. Maney
5 US Bankruptcy Court Trustee
P.O. Box 10434
6 Phoenix, Arizona, 85064-0434
Trustee

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A handwritten signature is written over the numbers 8 through 14. The signature is in black ink and appears to read "Edward J. Maney".